

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Richard N. TERRY

Group Art Unit : 1714

Appl. No. : 10/649,595

Examiner : Peter A. SZEKELY

Filed : August 26, 2003

For : ANTIMICROBIAL COMPOSITIONS CONTAINING COLLOIDS OF  
OLIGODYNAMIC MATERIALS**SECOND DECLARATION OF RICHARD N. TERRY  
UNDER 37 C.F.R. §1.132**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AMENDMENT  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

I, Richard N. TERRY, declare the following:

1. I am the named inventor on the above-identified U.S. Patent Application No. 10/649,595, filed August 26, 2003, titled "ANTIMICROBIAL COMPOSITIONS CONTAINING COLLOIDS OF OLIGODYNAMIC MATERIALS."
2. I have read the Office Action dated April 24, 2006, relating to the above-identified patent application.
3. I understand that the invention claimed in this patent application is currently rejected based, at least in part, on the subject matter of U.S. Patent No. 6,596,401 ("the '401 patent").
4. The April 24 Office Action, in Paragraph 9, states that a number of features of the '401 patent (e.g. a silane copolymer and an active agent; colloids of oligodynamic metals and their blends with active agents) are disclosed in the '401 patent.

5. Such features of the '401 patent cited in the Office Action that are disclosed, including features disclosed but not claimed, are my invention, and are descriptions of my own previous work.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

  
Richard N. TERRY

9/22/06  
Date